

# Public Notice

U.S. Army Corps of Engineers, Norfolk District

CENAO-TS-REG  
05-V1026

August 24, 2005

The District Engineer has received a joint application for Federal and State permits as described below:

## APPLICANT

Mr. James L. Graves  
Somerset Stokes, Inc.  
9400 Irving Road  
Post Office Box 70  
Bel Alton, Maryland 20611

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located on the York River a tributary to the Chesapeake Bay, in Gloucester County, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct a shoreline protection system using headland breakwaters and beach nourishment. The property is interfaced at property lines with sills. The beach backshore and interface will be vegetated with *Spartina patens*. The marsh substrate behind the sills will be planted with *Spartina alterniflora*. The tidal wetlands impacted will be 225 square feet of *Spartina alterniflora* and 2,500 square feet of *Spartina patens*. The applicant proposes to create 12,200 square feet of *Spartina patens* and 2,125 square feet of *Spartina alterniflora*.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit/401 certification from the Virginia Department of Environmental Quality assuring that applicable laws and regulations pertaining to water quality are not violated and a permit from the Gloucester County Wetlands Board. To receive a copy of the drawings, please write to or call the Corps employee listed on the last page of this notice.

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood

plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no endangered species will be affected. There could potentially be one known property eligible for inclusion or included in the National Register of Historic Places in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: [elirons@deq.virginia.gov](mailto:elirons@deq.virginia.gov).

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The York River contains Essential Fish Habitat (EFH) for the egg, larvae, juvenile and adult life stages of four (4) species including king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), cobia (*Rachycentron canadum*) and red drum (*Sciaenops ocellatus*). The habitat which this project would affect consists of shallow water, mud flats and intertidal wetlands. The proposed project is described in Proposed Work and Purpose, above. The placement of fill material for the ledge will disturb the intertidal area. Our assessment of the project leads us to a preliminary determination that it will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not required. Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

**COMMENT PERIOD:** Comments on this project should be made in writing, addressed to the US Army Corps of Engineers (ATTN: Alicia G. Riley), Post Office Box 209, Bena, Virginia 23018, and should be received by the close of business on September 26, 2005.

If you have any questions about this project or the permit process, please call:

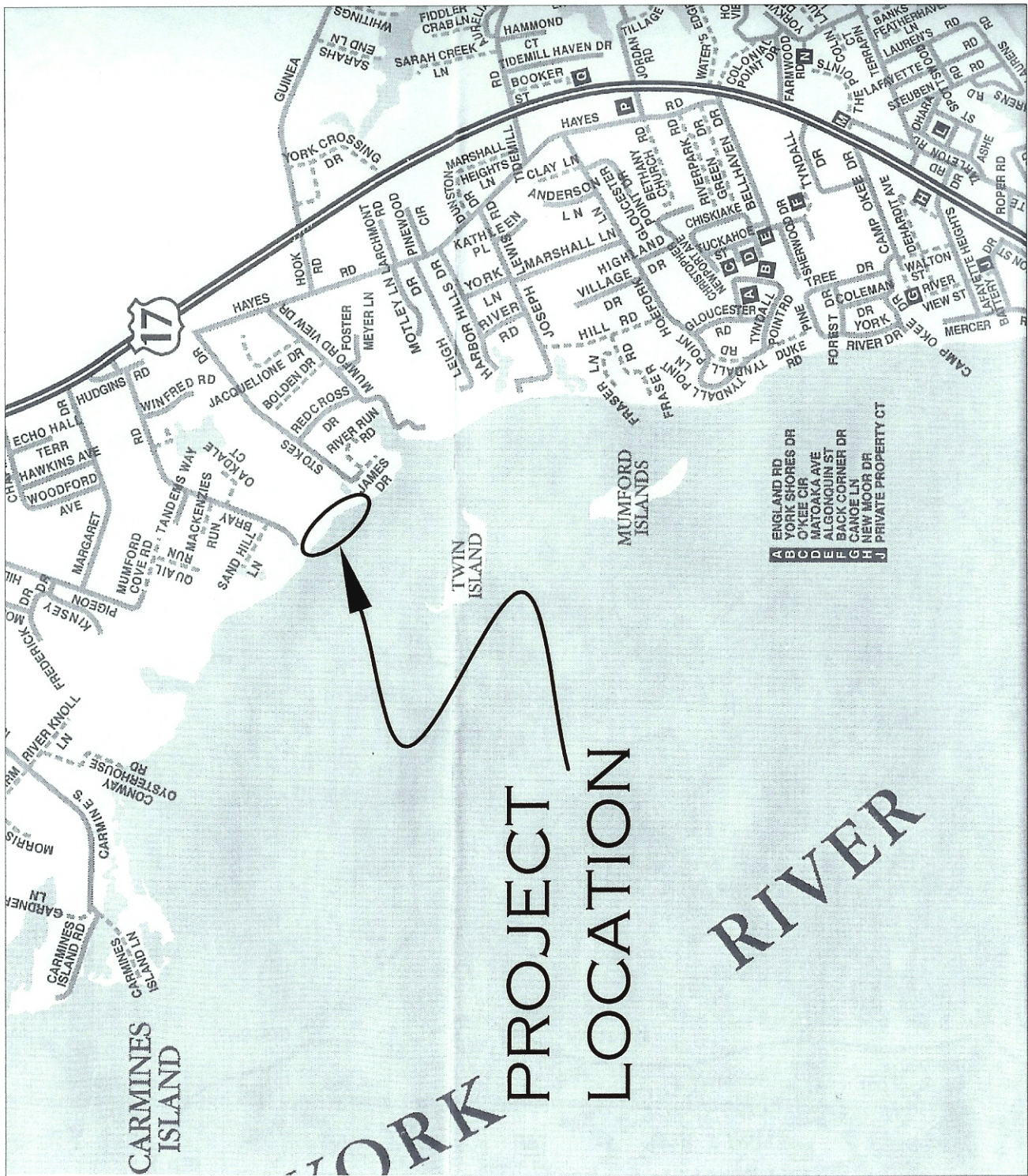
Alicia G. Riley  
(804) 642-0700  
Fax (804) 642-5070

FOR THE DISTRICT ENGINEER:

Bruce F. Williams  
Chief, Northern Virginia  
Regulatory Section

Attachment: Drawings





**COASTAL**  
Design & Construction, Inc.

P.O. Box 650 • 6303 ALLAHAMSVILLE RD. GLOUCESTER, VA 23061  
(804) 693-4158 FAX (804) 693-0064

## LOCATION

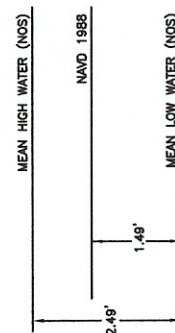
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YORK RIVER

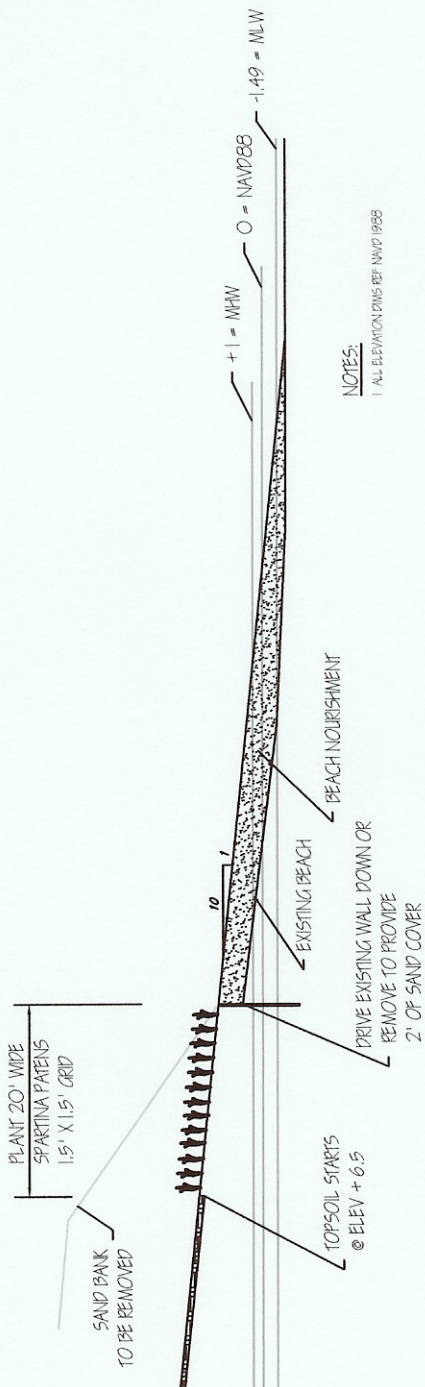
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NOTES:  
1 ALL ELEVATIONS REF NAVD 1988

A - A  
SCALE: 1" = 20'



## CROSS SECTION

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